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SPEECH OF MR. ELI THAYER ON THE ADMISSION OF OREGON AS A STATE.

Mr. Speaker: My colleague (Mr. Dawes) who has just addressed the House, is unable to see how an honest Representative of the State of Massachusetts can vote for the admission of Oregon. Well, in the exercise of charity, I can see how a Massachusetts Representative, both honest and patriotic, can vote *against* the admission of Oregon. He can do it by not comprehending the question, or he may do it in obedience to party dictation. I will now show my colleague how an honest Representative can vote *for* admission, if he will listen to my argument and the reasons which I shall give in defense of my position.

Mr. Speaker, I think this is a strange necessity that compels the Northern Representatives upon this floor to give the reasons for their votes for the admission of another free state into this Confederacy. Sir, I shall vote for the admission of the State of Oregon without hesitation, without reluctance and without reserve. So far as my vote and my voice can go, I would extend to her such a welcome as becomes her history, as becomes her promise for the future, and such as becomes our own high renown for justice and magnanimity—a welcome not based on contemptible political calculation, or still more contemptible partisan expediency; but such a welcome as sympathy and friendship and patriotism should extend to another new state, such, sir, as becomes the birthday of a nation.

This people comes before us in accordance with the forms of law, and upon the invitation of this House; and it is too late to apply a party test upon this question. On the 19th of May last, a vote was taken in the Senate upon the admission of Oregon, and eleven Republican Senators voted for her admission, while six Republican Senators only voted against her admission; and, sir, I have not heard of **any** attempt on

the part of the six Senators who voted for the rejection of Oregon to read out of the Republican party the eleven Senators who voted for her admission; and if that attempt is now to be made, we will see whether it is in the power of a minority of the people to read a majority out of the party.

But, sir, who are these people of Oregon, who come here now, asking admission? They are the pilgrims of the Pacific coast. If they are fanatics upon some subjects, we can refer to the pilgrims of the Atlantic coast, who also were fanatics upon some subjects. But, sir, if the pilgrims of the Atlantic coast finally became examples to the world in all that exalts our race, may we not hope that the pilgrims of the Pacific coast may yet become worthy of our esteem?

Nearly one-quarter of a century ago, in my boyhood, I studied the adventures of those men, who founded upon the western shore of the American continent what are now the cities of Oregon and Astoria. These men, who were then in the vigor of their lives, are now old men—gray-haired and trembling with age. Their work of life is nearly completed; and this day they are sitting by their hearthstones, waiting to know what is to be the result of our deliberations; waiting to know whether the proud consummation to which they have aspired for the last twenty years is now reached; and whether Oregon, which, in toil and trial, in defiance of danger and of death, and with persistence and endurance such as belong only to our race, they have brought to her present proud and prosperous condition, is now to be placed upon an equality with the original states of this Confederacy.

These are the men who have carried our institutions to the remotest boundaries of our republic. These are the veterans of the art of peace. American valor with conquering arms has carried our flag by Monterey and Chepultepec, until it was planted upon the halls of the Montezumas. But far beyond those halls have these heroes borne the victorious arts of peace. In the Territory of Oregon they have established our free institutions. There, sir, strong and deep, they have laid the

foundations of a free state, and they come here, like the wise men of the East, not *asking* gifts, but *bringing* gifts; in that respect unlike our military men, who expect and receive honors and rewards for their services. What do they bring? Why, sir, the trophies of their own labor, the evidences of their own worth. They present before us the cities and towns which they have founded. They present schools, churches, and workshops. They bring all, all the products of their labor, and place them upon the altar of the Union, a pledge for the common welfare and the common defense. And what are we doing here? Why, sir, quibbling about things which are comparatively unessential, and which pertain exclusively to the people of Oregon, and not to us or our duties here; quibbling about points which, if New York or Massachusetts were in the place of Oregon, would secure some votes on this side of the House against their admission. Massachusetts, which you know, sir, I never defend anywhere, even Massachusetts does not allow the negro to be enrolled in the militia of the State. These, then, are the men who come here; and what if they have some ideas and sentiments with which we do not agree—is that a reason why we should excommunicate them; that we should have nothing hereafter to do with them?

What law of reformation is this? It is the pharisaical law of distance, distrust, and derision. It is not the Christian law of contact, confidence and communion. The Pharisees denounced the Founder of Christianity as “the friend of publicans and sinners.” That class would repel all who do not agree with them to the fullest extent. Shall we pursue a similar course in relation to the people of Oregon? Is it wise to do so? Is it expedient to reject their application on such grounds?

What objections do Republicans present to this application? They say there is not sufficient population, and they claim that it is their mission to see that the Democratic party shall recover its consistency. At whose expense? At the expense of the consistency of the Republican party. I submit that it is

better for the Republican party to preserve for itself the consistency which it possesses, rather than attempt to recover for the Democrats the consistency which they have lost.

Then, sir, in relation to this qualification of population, what is the position of the Republican party, and what has it been? This party, by its Representatives, voted for the admission of Kansas under the Topeka Constitution, with less than one-half of the present population of Oregon. The Republican party in the House, with one exception, so far as I know, voted for the enabling act inviting Oregon to come here, with a Constitution, to be admitted as a state. I have no disposition, and there is no need, to inquire here what is the population of Oregon; for, as a Republican, I am pledged to no rule on this subject. I opposed, as did my colleague, and my friends on this side of the House, the restriction which was put upon the Territory of Kansas. We protested against it then, and protest against it now. We have no sympathy whatever with that restriction, and are ready, at any time, to give an honest vote for its repeal.

Another objection is urged against the clause in the Constitution of Oregon which excludes negroes and mulattoes from that Territory; and, in addition, provides that they shall not bring any suit therein. It is said that this is in contravention of the Constitution of the United States. This I do not admit. But what if it is? The Constitution presented by the people of Oregon is not submitted to our vote. We cannot amend it; all we have to do about it is to see that it is republican in form. If it is unconstitutional, it is not in the power of Congress to impart to it the least vitality, and it will fall by its own weight. But gentlemen argue here, as if we could by our votes give life and power to an instrument in violation of the Constitution of the United States. Sir, this argument is weak and futile, Congress itself derives its own vitality from the Constitution, and how can it impart a greater vital force than it has received? The stream cannot rise above its source.

But should the Constitution of Oregon be proved unconstitutional before the proper tribunal, then, sir, will it follow

that we have violated our oaths, by admitting Oregon into the Union with that organic law? By no means. We have not sworn that the people of Oregon shall support the Constitution of the United States. We have sworn to support it ourselves, not that anybody else shall do so.

But, sir, this provision is no more hostile to the United States Constitution than are the laws of Indiana and Illinois, which exclude free negroes and mulattoes from their boundaries. Certainly not. It is no more to exclude the suit of the man, than to exclude the man himself. Is the negro less than his suit? I contend that he is greater than his suit. The greater contains the less, and the statutes of Illinois and Indiana are as unconstitutional as is the provision of the Oregon Constitution. But it does seem, at the first view, that it was a wanton and unprovoked outrage upon the rights of these men who are excluded from that state. I think there is a real apology for the action of the States of Illinois and Indiana. They are in close proximity to the institution of slavery. They are under the shadow of the dying tree of slavery, and its decaying limbs are constantly threatening to fall upon their heads; and I cannot censure them for taking such means as they see fit to protect themselves from such imminent peril. I am not disposed to call into question the right or constitutionality of their action.

Is there *no apology*, then, for the people of Oregon? Have they committed a wanton and unprovoked outrage upon the rights of negroes and mulattoes, in excluding them from that Territory? I say that there *is* an apology, and that it consists in this: they believed that they were obliged to choose between a free-state constitution with this provision, and a slave-state constitution without it. There were three parties in the Territory at the time this constitution was made and adopted. There was the Free-State party, which was composed of Free-State Democrats and Republicans. There was the Pro-Slavery party, in favor of a slave state. There was, between these two, a very considerable party, supposed to hold the balance of power,

and that party I may characterize as the anti-negro party. They said that they would sooner vote for a slave state than for a free state with a constitution admitting free negroes and mulattoes. They preferred to have slaves in Oregon rather than free negroes; and it was for the purpose of securing their vote for a free state that the Republicans and Free-State Democrats inserted and advocated this provision. The leading Republicans of that Territory advocated the adoption of the Constitution containing this provision. Mr. Logan, who received every Republican vote for United States Senator, advocated, on the stump, the adoption of the Constitution with this clause.

What was the vote? Why, sir, this clause of the Constitution had a majority of seven thousand five hundred and fifty-nine votes; while the Constitution itself had a majority of only four thousand votes. The Democratic majority in the Territory, as shown in the election of a Representative to this House, was only one thousand six hundred and thirteen votes. Then it is proved, by the official record, that the Republican party combined with the Free-State Democratic party to sanction and ratify this provision of the Constitution which is here called in question. There is also abundant evidence, outside of the record, to satisfy any one that such is the fact. This, then, is the apology for the action of the people of Oregon on this question. What Republican, or what friend of free states, is justified under these circumstances, in voting to exclude the people of Oregon from this Confederacy on account of this provision, which is only an expedient, and not a thing for practical use? It is very easy, at this distance, to censure the people of Oregon, and to pronounce judgment against them, but such judgment may be neither wise nor just.

“Then at the balance let’s be mute,
We never can adjust it;
What’s done we partly may compute,
But know not what’s resisted.”

But, sir, there is another objection urged from certain quarters, with great pertinacity. I mean the objection to the suf-

frage of aliens. The Constitution of Oregon, in respect to alien suffrage, is certainly more stringent than the law of some of the States of the Union, and less stringent than that of others. It is the same as the Territorial law has been during the last ten years. It requires a residence of twelve months in the United States, and of six months in Oregon. It requires that the sworn declaration of an intention to become a citizen of the United States shall have been on file at least one year. What was the inducement for that encouragement of aliens? The wages of labor are now, and have been, in Oregon, double what they are on the Atlantic coast; and I ask, would it be expedient or wise for Oregon to drive away from her borders the emigration from Europe, on which she has to rely for developing the resources of the country? Certainly not. Such a policy would have been disastrous in the extreme to the young state. It was wise and prudent, therefore, for Oregon to invite and encourage that immigration which she so much needs, to develop her great resources, and to secure for her the products of her natural wealth.

These, sir, are among the plausible and ostensible objections that have been urged on this side of the House against the admission of Oregon. There is yet another argument: that Kansas has been excluded from the Union by the action of the Democratic party; and that, therefore, Republicans ought to exclude Oregon. The argument amounts to this: that we should abuse Oregon because the Democratic party have abused Kansas. Now I, for one, am quite content that the record of the Republicans, in respect to Oregon, should be better than the record of the Democratic party in respect to Kansas. I am quite content that the record of the Democratic party, in respect to Kansas, should be just what it is; and I do not think it is possible very much to improve the Republican record, or to impair the Democratic record. Are we to sacrifice our own political principles and advantages, for the sake of compelling the Democratic party to consistency of action? Are we bound, as a party, to sacrifice our own consistency in

doing so? Certainly not. I think the Republican party has another, and, to my mind, a less difficult mission to perform, and that is, to preserve its own consistency.

These are some of the palpable objections that have been urged on this floor. I come now to some for which I thank the gentleman from Indiana (Mr. Hughes). He has presented to the House some *secret* objections which the Republicans are said to have to the admission of Oregon. The first is, that the Republicans are opposed to the admission of Oregon because it is a Democratic State. Now, sir, does not the gentlemen from Indiana understand that the Republican party is not so devoid of sagacity as to fail to see that to reject a young state for the reason that it is Democratic would make it Democratic forever? Does the gentleman from Indiana find anything in the history of the Republican party which justifies such conviction of its stupidity, as would lead him to say that the Republican party, as a party, is opposed to the admission of a free state because her people had chosen such politics as seemed to them best? Does he not see that sagacious Republicans, finding that the Republican party in Oregon is now in a minority of only a few hundred votes, understand that if Oregon be admitted by their action, and were thus set free from the influence of Executive patronage, she would very soon become a Republican State?

But further than that: the gentleman brings up another secret reason why the Republicans would oppose the admission of Oregon. That secret reason is, that, in case of the failure of the people to elect a President, and in case of that election coming to this House, there will be a vote from Oregon against the Republican candidate, which may procure his defeat. Now, does not the gentleman from Indiana understand that any such position of the Republican party would secure its defeat? That if it were stupid enough to take a position against the admission of free States, because their Constitutions were not universally approved, it would require more than the vote of one state, either in Congress or out of

Congress, to help or harm the prospects of the party? I thank the gentleman from Indiana for the secret reasons which he has given, and which I have thus far been enabled to prove too absurd and impolitic to influence the action of the Republican party.

There are certain principles which, in my opinion, should govern the House on a question of the admission of a state. First, the Constitution must be republican in form. Second, there must be sufficient population; what number may be sufficient, must be left to the discretion of Congress. Third, the proposed admission must be shown to be for the benefit of the contracting parties; to be best for the state applying, to be best for the Confederacy. Let us look at these principles, and see how they should affect the vote on the admission of Oregon. First, then, is the Constitution presented by Oregon republican in form?

I will here send to the Clerk's desk a quotation from an authority which is justly and generally respected by Republicans—an extract from a speech of Senator Seward, made in the Senate of the United States last May, upon this very question.

The Clerk read, as follows:

"I think there is nobody who doubts that the people of Oregon are today ready, desirous, willing, to come in. They have made a constitution which is acceptable to themselves, and a Constitution which, however, it may be criticised here, after all, complies substantially with every requirement which the Congress of the United States, or any considerable portion of either House of Congress, has ever insisted on in regard to any state.

"It seems to me, therefore, to be trifling with the state of Oregon, trifling with the people of that community, and to be unnecessary, and calculated to produce an unfavorable impression on the public mind, in regard to the consistency of the policy which we pursue in admitting states into the Union, to delay or deny this application. For one, sir, I think that

"the sooner a territory emerges from its provincial condition
"the better; the sooner the people are left to manage their own
"affairs, and are admitted to participation in the responsibilities
"of the government, the stronger and the more vigorous the
"states which those people form will be. I trust, therefore,
"that the question will be taken, and that the state may be
"admitted without further delay."

Mr. Thayer: So much, then, in relation to the first principle which should govern our action in the admission of states. And what, sir, concerning the other? How will it affect this present Confederacy of States, to admit the Territory of Oregon? Why, gentlemen talk here as if we were discussing the question of admitting some new and unheard of race of monsters and cannibals into the Union! Sir, is not this injustice to the people of Oregon? Will they contaminate this Confederacy? Just as much as their mountain streams will contaminate the Pacific ocean. I tell you, they may be inferior to us in education, in refinement, and in etiquette; they may not appear as well in the drawing-room as some of our Eastern exquisites; but in the sturdy virtues of honesty, of fidelity, of industry, and of endurance, they are above the average of the people of this Confederacy. I regret that the gentleman from Maine (Mr. Washburn) the other day deemed it expedient to call the pioneers of our national progress "interlopers, runaways and outlaws." I affirm, concerning American citizens in any territory of the United States, and in any new state of this Confederacy, that they are above the average of the population of the old States, in all that makes up manly and virtuous character. They have my sympathy, and never will I oppress them by my vote or my voice.

But, sir, what if the people of Oregon were really as bad as the most unfavorable construction of their Constitution, and the speech of my colleague (Mr. Dawes) would represent them to be, then what should we gain by refusing them admission into the Union? If the objectionable features in their Constitution are their true sentiments, and are placed in the organic law for use, and not for expediency, then surely the

evil is deeper than the ink and parchment of their Constitution. It is in the hearts of the people, and will not be eradicated by any harsh treatment that gentlemen on this floor may recommend. I doubt whether you will effect the salvation of the people of Oregon by heaping curses on their heads, or by excluding them for unworthiness. You may send them away from the door of the Capitol, but they will go thinking less of you and less subject thereafter to your influence. They may come again with a hypocritical constitution, trusting to effect by statute law what you would not allow in organic law. They may not come at all, or they may come with a constitution tolerating slavery. Discouraged and repulsed by Northern votes—finding no sympathy where they had most right to expect it, they might not be able longer to resist the Slave-State party in the Territory, acting under the Dred Scott decision. Is it not right, therefore, for the lovers of freedom to advocate the immediate transition of Oregon from the condition of a territory in which slavery is lawful, to the condition of a state in which it is forbidden? Which do we choose, a *slave territory* or a FREE STATE?

But, sir, there is another argument which may influence some members who doubt the security of this Union of States. By this act which I now advocate, we shall bind firmly to the old states, by indissoluble bonds, the remotest portions of our possessions. This will make secure all intermediate parts of the national domain.

This, then, may be grateful assurance to such as want assurance about the permanency of the Union. For myself, I have not much respect for any such assurance, but I do have an utter contempt for any doubts on the subject. This Union, Mr. Speaker, is not a thing to be argued for and advocated; it is a thing settled, fixed and determined. Far transcending in importance the temporary convenience of any one state or of all the states, it is in our hands, a trust, not for our posterity only, but for the world. We are bound to deliver it unimpaired to succeeding generations, and we WILL so deliver it. THE UNION IS AND WILL BE.

If, then, there is a great gain to the Confederacy, is it not also better for the people of Oregon themselves that she should be admitted into the Union? Is it better that they should remain under the tuition of this Federal Government—a non-resident government—or that they should govern themselves? Why, sir, to contend against the advantages of self-government would seem to me unsuited to this place, and not to comport well with the history of this Republic; for the origin of this nation was a protest against a non-resident government, and our history should be. For one, sir, I have no faith in that kind of government being exercised over Anglo-Saxons anywhere, and least of all have I faith in that kind of government being exercised by Republics anywhere; and, therefore, to relieve a portion of our people from what I consider a curse—the curse of a non-resident domination—I will cheerfully vote for the admission of Oregon.

Sir, this non-resident control is a relic as it was an invention of ancient tyranny. It has come down from the history of the old Romans, who had proconsuls in Judea, in Spain, in Gaul, in Germany, and in Britain; and England has copied their example, and sent Governors and Governor Generals to India, and to this continent also. But we protested successfully against that kind of government by the war of the Revolution; and I look forward to the time when every portion of our national domain shall be free from it; when we shall have no provincial dependencies whatever; when we shall have nothing but a combination of equal and sovereign republics. Then, sir, we may bring the duties of this Government to a position where they will be, as was well said last session by the gentleman from Alabama (Mr. Curry): "Few and simple," as they should be.

It is in accordance with this view that I shall oppose anything that leads to complications—that shall multiply or extend our provincial dependencies.

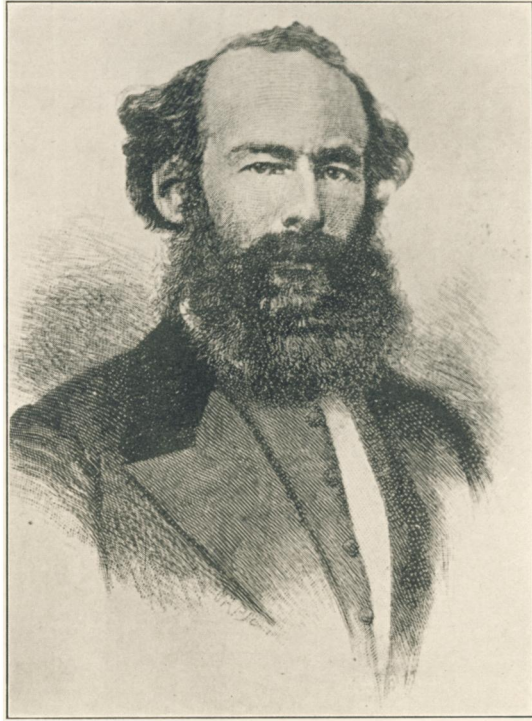
I shall oppose all protectorates over foreign countries; all military occupations and military usurpations; all annexation

of territory, except as independent sovereignties acquired and at the same time admitted into the Union by treaty stipulations as states equal to any in this Confederacy. It will never do for us to imitate the despotisms of Europe. We must adhere to the original, simple plan of this Confederacy, which did not contemplate provincial dependencies, or armies and navies, necessary for their acquisition and control.

So far as we deviate from the simplicity of the plan of the fathers, just so far shall we advance towards danger, disaster and destruction.

But, Mr. Chairman, I did wish to review the action of the minority of the Committee on Territories in relation to this question, but my time has nearly expired, and I can only refer to it.

They have reported the bill of the majority with an additional provision repealing the clause of the English bill restricting the right of Kansas to come into the Union with a less population than ninety-three thousand. Now, sir, I had supposed that the gentlemen of the minority of the committee would have voted for the bill which they have reported, but speeches have been made by two of the gentlemen who signed that report (Mr. Grow and Mr. Granger) in which they went off on an altogether different line of reasoning. They have talked about the unconstitutionality of the Constitution of Oregon, and about its invasions of human rights, without confining themselves at all to the argument of their minority report. They argue that whoever may vote for the admission of the state will properly be held responsible for all these outrages. And now I wish to know for what consideration the signers of that report are willing to ignore all these revered human rights, invaded and ruined by the Constitution of Oregon? I have their reply in this report. On one condition they are willing to sanction all these outrages; and that condition is, that a certain act concerning Kansas shall be repealed. If the report is in good faith, there can be no other conclusion. (Here the hammer fell.)



ELI THAYER.
(See Page 364)

Mr. Thayer was born in Mendon, Mass., June 11, 1819, and died in Worcester April 15, 1899. He graduated at Brown University in 1845, and in 1848 founded Oread Institute. He is chiefly remembered for his connection with the "Kansas Crusade," the purpose of which was to secure the admission of Kansas as a free state. With this aim in view, he early in 1854 organized the Massachusetts Emigrant Aid Company; soon afterwards affiliated it with the Emigrant Aid Company of New York, and a year later reorganized the two under the name of the New England Emigrant Aid Company. Local leagues were established whose members emigrated to Kansas and settled in localities where the company had erected hotels for their temporary accommodation and had provided sawmills and other improvements. The company proved a financial failure, but its main purpose was successful. Under its auspices the towns of Lawrence, Topeka, Manhattan, Osawatimie and other places were settled, and in this way contributed greatly to the saving of Kansas for freedom. In 1856 Mr. Thayer began a somewhat similar but unsuccessful work in Virginia, and founded the town of Ceredo, containing about five hundred inhabitants from New England. From 1857 till 1861 he was a member of the National House of Representatives. In addition to the foregoing he was an inventor of considerable note. During his terms in Congress he was an ardent supporter of the bill for the admission of Oregon to the Union, which was passed on February 14, 1859, and it is reasonably certain that had it not been for Mr. Thayer's untiring efforts the admission day of this state would have been postponed until after the Civil War. As it was, success was attained by a very narrow majority—114 to 103 in the House, only one of the Massachusetts delegation voting with him.—George H. Himes, Assistant Secretary.